

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

SKYLER JAMES FOWLER,

Case No. 3:22-cv-00195-MMD-CLB

Plaintiff,

ORDER

v.

CHARLES DANIELS, *et al.*,

Defendants.

In this action that *pro se* Plaintiff Skyler James Fowler brought under 42 U.S.C. § 1983, a single claim for First Amendment religious diet violations remains against Defendants Kara LeGrand and Roger Terance. (ECF No. 102.) Before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge Carla L. Baldwin (ECF No. 121), recommending the Court grant in part and deny in part Plaintiff’s motion for default judgment against Terance. (ECF No. 106 (“Motion”).) Objections to the R&R were due November 21, 2023. To date, no objection has been filed. For this reason, and as explained below, the Court adopts the R&R in full, and will grant in part and deny in part Plaintiff’s Motion.

Because there were no objections, the Court need not conduct de novo review, and is satisfied that Judge Baldwin did not clearly err. See *U.S. v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations”) (emphasis in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that the Court “need only satisfy itself that there is no

1 clear error on the face of the record in order to accept the recommendation").¹ Here,
2 Judge Baldwin held an evidentiary hearing on Fowler's Motion primarily to consider
3 evidence supporting Fowler's claimed damages. Judge Baldwin found that Fowler fails to
4 sufficiently allege and provide support for his request for \$31,250.00 in damages against
5 Terance.² Accordingly, Judge Baldwin recommends granting nominal damages in the
6 amount of \$1.00. She further recommends granting Fowler's request for costs in the
7 amount of \$409.66. Having reviewed the records in this case, the Court agrees with Judge
8 Baldwin and therefore adopts the R&R.

9 It is therefore ordered that Judge Baldwin's Report and Recommendation (ECF
10 No. 121) is accepted and adopted in full.

11 It is further ordered that Plaintiff's motion for default judgment (ECF No. 106) is
12 granted in part and denied in part. The Court grants Plaintiff's request for default judgment
13 to be entered against Roger Terance and assesses \$1.00 in nominal damages against
14 Terance, but denies Plaintiff's remaining request for damages. The Court grants Plaintiff's
15 request for \$409.66 in costs against Terance.

16 The Clerk of Court is further directed to enter judgment against Defendant Roger
17 Terance in accordance with this order.

18 DATED THIS 27th Day of November 2023.



19
20 MIRANDA M. DU
21 CHIEF UNITED STATES DISTRICT JUDGE
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27 ¹The Court incorporates by reference and adopts Judge Baldwin's description of
28 the background and procedural history for this case. (ECF No. 121 at 1-3.)

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30 ²This amount includes a request for \$18,750.00 in punitive damages, which Fowler
31 later withdrew. (ECF No. 121 at 5-6.)